

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

XUAN LAN DANG : CIVIL ACTION

vs. :

TROY LEVI, WARDEN FDC : NO. 07-CV-4211
PHILADELPHIA, et al.

ORDER

AND NOW, this 4th day of December, 2007, upon careful consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M.Faith Angell, United States Magistrate Judge and the objections of the Petitioner, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Petition for Writ of Habeas Corpus is DISMISSED without prejudice for failure to exhaust available remedies.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.